INJURING RAILROADS

STEAM LINES SUFFERING FROM COM-PETITION WITH TROLLEY ROADS.

Electric Cars Taking a Large Portion of the Suburban Business-Debs Traveling on a Railway Pass.

John H. Martin, who for years was with the Big Four lines, but who for the last two years has been traveling as an advance agent of a theatrical company, was in the city on Monday. He still takes a good deal of interest in railroad matters, and in conversation said that the most serious thing the passenger departments of the railways had now to contend with was the trolley systems, which promised to make serious inroads into their short travel and suburban business. He cited Allentown, Pa., where there is a group of five large cities all connected by trolley roads and carrying people at one-third the rates which the steam roads have been charging on short travel, and not taking much more time than do the steam lines, when it is considered that, eight times out of ten, the trolley line takes the passengers to the door of the place at which he wishes to stop. On inquiry, he found that the Lehigh Valley, the Philadelphia & Reading and the Pennsylvania lines were feeling this competition very much in their passenger earnings. Another instance he cited was between St. Paul and Minneapolis. Between those cities are four tracks of steam roads, and in years past the travel be-tween the two points has been large and yielded a large revenue to the steam roads. Now there are several trolley lines. The steam roads make the run a few minutes quicker, but charge three times as much, and the advantages between the two, all things considered, were quite equal, yet he was told by a railway official of one of the St. Paul steam lines that it would cut into their revenue between those two points at least \$200,000 a year. Just at present, Mr. Martin says, the electric trolley lines are making the most serious inroads on passenger earnings of Pennsylvania and New England roads, but there is no telling where this competition will end. In 1889 the first important electric line was constructed, and little more was done for five years, but in the last three years rapid strides have been made. To-day there are at least 15,000 miles of electric rallways in the country, over which are run at least 20,000 electric cars, and it is evident that electric lines have come to stay.

No Free Transportation.

The conference of the executive officers of the Western and Southwestern road lines, which began at St. Louis Wednesday, got down to business in earnest yesterday. President Marvin Hughitt, of the Chicago & Northwestern road, arrived in time to preside over the morning session. When adjournment was taken for lunch it was apnounced that it had been agreed to adopt a uniform rate of 6 mills per car mile on all freight cars, loaded and empty, except tank and refrigerator cars, the rates on these to be left to the discretion of individual roads, because of the numerous existing contracts for rates. It was also agreed to pay no mileage whatever on live poultry cars, either loaded or empty. There was also passed a resolution to issue no free transportation whatever during the remainder of the year. This resolution will go into effect next Monday. When the question came up of abolishing free trans-portation on and after Jan. 1, or restricting it to a great extent, it was referred to special committee, composed of Vice President Harris, of the Burlington; Vice President and General Manager Purdy, of the Missouri, Kansas & Texas; Chairman Midgeley, of the Western Freight Association; General Manager Frey, of the Santa Fe, and Vice President Ripley, of the Chicago, Milwaukee & St. Paul. This committee will consider the pass question in all its bearings, from the point of view of both freight and passenger traffic departments, and its report is awaited with much

Southwestern Rates.

At the meeting of the Southwestern Traffic Association in St. Louis yesterday a resolution was adopted providing for rates by the way of Lake Charles to Texas and Mexican points as a maximum and combination of locals from point of origin by way of Galveston, the rail lines to ascertain ocean rates from Lake Charles to points on the Texas & Mexican Gulf Coast, and to so adjust their rates from point of origin to Lake Charles as to make the same through tariffs as prevail via Galveston. An agreement was reached providing for the application of weights on packing-house products in less than carload lots, as ascertained by station scale weights, inas ascertained by station scale weights, in-stead of the Western Association weights, as heretofore provided. Wire and nail rates were made to apply on hay bale ties, and Class A rates on school desks and fur-niture in carloads. The rates on rooffing felt, rooffing cement, granite and tar pre-pared was reduced from Class B to Class C, and provision was made for the applica-tion of Class D rate on seeds in mixed cartion of Class D rate on seeds in mixed carloads. A rate of fourth-class was established on mixed carloads of fish, turtles and oysters in carloads, minimum weight 20,000, from Rockport, Corpus Christi and Galveston to St. Louis and defined terri-

Excess of Baggage Rates.

The lines of the Central Traffic Association have come to an understanding with the Western roads regarding the rates to be charged on excess baggage, the question having been a stumbling block for the two associations for some time past. At the time low rates were put in on account of the world's fair traffic, the Central Traffic lines took the low rates on baggage of the Western roads as a basis for the computation of the through rates. This was all right as long as the world's fair was in operation, but the Eastern roads have kept basing on the low rates from that time to this, despite the protests of the Western lines, who were anxious that the old rates of 12 cents, which obtained before the fair, and which was used by both associations, should be used again. This the Eastern lines refused to do, as they claimed that Western lines had the low rates in their regular tariff sheets. The matter has been finally bridged over by the Central Traffic Association lines getting out two rate sheets, one to be used for the regular standard rates and one for the specially reduced rates. After this time the rate on excess baggage will remain the same, no matter whether the passenger rates are reduced or not.

Monthly Relief Bulletin.

R. F. Smith, superintendent of the Pennsylvania voluntary relief department, yesterday sent out the bulletin for September, which shows that in that month he disbursed \$2,500 in death benefits from accidents and \$5,750 on deaths from natural causes, representing fourteen deaths. He paid out \$1,639.50 in accident benefits to 203 members of the lines west of Pitts-burg; sickness benefits, \$6,147.90, to 419 members, making the total disbursements of the month \$19,037.40, and 726 members or their representatives received benefits. In the sixty-three months the association has existed it disbursed on deaths from accidents \$123,966.69, representing 199 members; on deaths from natural causes, \$342,-626, representing 548 members; in accident benefits, \$300,408.45, representing 19,372 persons; in sickness benefits, \$386,511.90, representing 32,443 members; total disbursements since organized, \$1,153,513.94, representing \$2,562 members who have received benefits.

A Southern Railway Scheme. It is reported on authority deemed thoroughly reliable that the Southern Railway Company, having failed to gain control of the Cincinnati Southern, is seeking a Western outlet through St. Louis. It is said negotiations are quietly going on looking to the purchase by the Southern of the Paducah. Tennessee & Alabama road, which, when bought, will be completed to Florence, Ala. The scheme also includes the purchase of the Birmingham, Sheffield & Tennessee River road, which extends from Florence to within forty miles of Birmingham, and is soon to be completed to the latter city. These two roads are on the market. With them completed and the connections afforded at Paducah, the Southern would have a Western outlet and direct line from Birmingham to St. Louis. The new route would develop a rich mineral country and would be part of a new line from St. Louis to the gulf, if the Southern buys the Mobile & Birmingham when that road

is sold at receiver's sale. Debs Had a Pass.

Eugene V. Debs, president of the American Railway Union, accompanied by his Wife and her mother, passed through the city yesterday en route from Terre Haute to New York. The three occupied two full sections of a Wagner sleeping car. agreement between the receivers of the

Wagner lines, but he traveled on a railroad pass, paying fare for his wife and her mother. Had Debs heard the comments of a few railroad men who stood near he would have thought himself in dangerous territory, as some had lost good jobs through the strike he inaugurated.

Illinois Central Annual Report. Stockholders of the Illinois Central road held their annual meeting at Chicago yesterday. The proceedings were of a perfunctory character, no opposition to the present management manifesting itself. Among the largest outside stockholders present were John Jacob Astor, J. W. Auchincloss, Charles E. Beach, W. Suttengen, S. R. Cruger, E. H. Harriman and C. A. Peabody, jr. The management was highly complimented on the exceedingly satisfactory statement of the year's operations it was able to present. The number of miles of railway operated was 2,888. Comparison with the previous year showed an increase of \$562,278.09 in gross receipts of traffic, or 2.86 per cent. Operating expenses and taxes increased \$85,481.58, or 6 per cent. Net receipts from traffic increased \$476,791.51, or 8.2 per cent. Total net receipts increased \$1,056,745.17, or 14.81 per cent. The sum available for fixed charges and dividends increased 16.10 per cent.

Personal, Local and General Notes. The smoke consumer and fuel saver invented by Harz Delaney, master mechanic of the Monon, is proving a decided success. A petition has been filed in the federal court at Louisville foreclosing the mortgage on the Kentucky and Indiana bridge

It is stated that Willard Thompson is to be appointed general manager of the consolidated Baltimore, Chesapeake & Atlan-tic Transportation Company.

Vice President King, of the Baltimore & Ohio, is back from Europe, and on Wednesday left Baltimore to inspect a portion of the system, in company with other Steps are soon to be taken looking to the

extending of the operations of the Penn-sylvania Voluntary Relief Department over the Vandalia, which now has one or two limited relief associations. The Union Pacific, the first eight months of this year, was \$3,863,656 behind in its

gross earnings, as compared with the first eight months of 1893, but it cut down its operating expenses \$1,492,299. There will be a meeting here to-day of

the representatives of some twenty-five roads in this section to check up class rates, Indianapolis lines and many of their connecting lines being interested. The board of directors of the Atchison raffroad has accepted the resignation as a director of Alden Speare. It is said that

Mr. Duvall will take his place on the directors' ticket at the approaching election. West-bound business from the seaboard is now so much heavier than east there is some trouble East in furnishing cars, and there is quite a movement of empty cars eastward, which is very un-

The weak lines in the association of the Chicago east-bound lines, the Wabash, the Erie, the Grand Trunk, the Baltimore & Ohio and the Big Four, are now carrying over half the tonnage out of Chicago to the seaboard. Train 7 over the Pennsylvania lines, which

hauls only mail and express, is now almost daily run in two sections west of Pitisburg, as there are from five to ten cars loaded with oysters in addition to the regular mail and express cars. E. B. Taylor, general superintendent of

transportation of the Pennsylvania lines west of Pittsburg, and Charles Watts, gen-eral superintendent of the Northwestern system, have been in Indianapolis for a day or two, Mr. Taylor going from here to St. Louis and Mr. Watts to Chicago. Ford Wood, general freight agent of the Peoria & Eastern, has just returned from

Peoria, and states that not in years have shipments of grain and whisky been lighter than at present. He thinks that next month both grain and whisky will begin to come out of Peoria in large tonnage. Grand Master Sargent, of the Brotherhood of Locomotive Firemen, has gone

East on official business in connection with the insurance department. He says that at no time in years have the relations between railway officials and employes, especially trainmen, been more pleasant. Between six and twelve o'clock Tuesday night nine full freight trains were sent out of Chicago eastward over the Pittsburg. Fort Wayne & Chicago. Business all over the Pennsylvania system is now so heavy that there is a shortage in power and a good deal of transferring of engines to pre-

The Western Passenger Association has unanimously voted to meet the rate the Canadian Pacific makes to Coina, the Southern Pacific joining with the Western Passenger Association in making the rate. The lowest rate yet named by the Canadian Pacific is \$258.25, New York to China. Should it make a lower rate it will be met promptly by the American lines.

W. H. McDoel, who now has the title of vice president as well as general manager of the Louisville, New Albany & Chicago, yesterday appointed H. P. Radley general agent at Bedford, vice Mr. W. M. Deuel, assigned to other duties. Mr. Radley will have charge of all matters pertaining to the commercial and operating departments,

Bedford to Switz City, inclusive. The Big Four lines earned in the first week of this month \$268 831; in the corresponding week of 1893, \$271,453; in the corresponding week of 1892, \$311,388. This year the earnings of the first week of October were but \$2.623 below those of the corresponding week last year, which is the more remarkable from the fact that the Big Four, in 1893, did its heaviest world's fair

business in early October. Regarding the statement by the Boston News Bureau that the Atchison protective committee had secured proxies enough to insure the success of their ticket at the approaching election Henry Clews said yesterday: "If the Atchison board has 600,000 shares in proxies, as they claim, it evidently means that there has been an overissue of 300,000 shares. It is not true that the other side has the Amsterdam proxy.' A little study of the results likely to follow the Cincinnati, Hamilton & Dayton securing control of the Cincinnati, New Texas will convince one eventually Cincinnati will be benefited. Up to this time the traffic has been divided at Meridian, Birmingham, Chattanooga and Harriman. This condition of things will now probably cease and the parent line will reap the benefit by a centralization of the business at Cincinnati.

Singular as it may seem, the train officials state that Train 20, from St. Louis to Jersey City, since its time was shortened one hour and a half, has reached Jersey City on time, with one exception. Prior to the shortening of the time three out of seven days it was late in arriving at Jersey City. F. R. Layng, who represents the Peoria & Eastern in Pittsburg, is in the city. He states that there has been a marked improvement in business with Pittsburg iron works, and that the roads are beginning to feel the benefits of the improvement. At the regular monthly meeting of the directors of the Baltimore & Ohio Rail-

road Company, yesterday, a dividend of 2 per cent. for the six months from Jan. 1 to July 1, 1894, was declared, payable on and after Nov. 15. Heavy losses of revenue were incurred by the protracted strike of about six weeks on coal and over two months on coke, resulting in heavy losses not only on traffic on these articles, but on the industries connected with them. The net earnings during the period named, notwithstanding this, were sufficient for a dividend of 2 per cent., leaving a balance to the credit of profit and loss.

It is reported that G. W. Luse, local general freight agent of the Union Pacific, will, on Nov. 1, succeed A. D. Shepard, assistant general freight agent of the Southern Pacific. Rumors of other changes in the Southern Pacific officers are current. It is stated that since the policy of rarench-ment went into effect four hundred clerks have been dismissed and that more dismissals are to follow. One of the rumors is that the land department of the Southern Pacific and the Central Pacific are to be consolidated, and that they will be in charge of William H. Mills, at present head of the Central Pacific land department, One of the directors of the New York Air Brake Company said yesterday in regard to the decision handed down Tuesday in the New York Court of Appeals, in the suit of the Westinghouse Air Brake Company, that "there were four counts involved of these we won three and the Westinghouse company one. The patents in the case were four in number, for quick action on air brakes." Concerning the allegation that the works at Watertown had been closed for a year, the same official said: "That statement is untrue. The works have not been closed. On the contrary, we are busy and have been for the entire period

The itinerary of President George B. Rob erts and his accompanying inspection party, which numbers twenty people, on the West-ern lines, is as follows: Pittsburg to Cin-cinnati, Oct. 19; Cincinnati to Louisville, 20th; Louisville to St. Louis, via Indianapolis. 21st; St. Louis to Chicago, 22d; Chicago, 23d; Chicago to Cleveland, via Alliance, 24th; Cleveland to Ashtabula, thence to Erie, via Lawrence Junction, 25th; Erle to Buffalo, 20th; Buffalo to Williamsport, via Clermont and Johnsonberg, 17th; Williams-port to Philadelphia. The distance traveled their own lines is 2,655 miles. It is stated that the inspection of the Vandalia

lines will be quite thorough. The Burlington will not be able to run its first train through to Billings Oct. 31, as intended, owing to hitches in perfecting the When the conference was held between the officials of the two systems in St. Paul General Manager Kendrick, of the Northern Pacific, stated there would be no difficulty in arranging matters with the receivers. Upon this assurance the Burlington people went ahead making their connections at Huntley, which they accomplished about Oct. 1, and then arranged a time card for through trains to Billings. The delay is owing to the Northern Pacific receivers'

refusal to arrange the details. Representatives of the fast freight lines at this point, and, in fact, at other points, are showing considerable anxiety as to the results of the arrest of two prominent freight officials this week under the interstate-commerce act for violating its pro-visions. A group of freight men were together yesterday morning, when one drew a long sigh and remarked that "if he or any man under him at Indianapolis or any other point under his supervision had cut a rate or paid a rebate it was due to a misconstruction of the classification." As the line agent alluded to has held that position for twenty years, the idea of his misconstructing the classification created a laugh on the part of the freight fraternity present.

Receiver Hopkins, of the Louisville, Evansville & St. Louis is encouraging industries along its lines, which has been neglected by former managements, who have had a desire to make it an important link of a great through line from the West to the seaboard. While the road has held its own with other east-and-west lines in through business, despite the dull times, its local traffic has been so encouraged that excellent results have been achieved. To-day every coal mine on the main line and branches is in operation, and in improving the roadbed and equipment the receiver has displayed excellent judgment. The Patton tunnel will, in a few weeks, be a thing of the past, greatly relieving the road of delays and several times a total cessation of business on account of the tunnel caving in.

HUNTED TO HIS DEATH

B. HERRIG, A SUICIDE, LEAVES A VERY SINGULAR LETTER.

Takes Rough on Rats on a Bank of Fall Creek-Hints at

a Crime.

Shortly after 6 o'clock last night a man going through a swampy bit of land on the north bank of Fall creek, just west of Illinois street, found a man lying on the ground, groaning in great pain. After an unsuccessful attempt to arouse the man he notified the City Hospital. The ambulance, in charge of Dr. Cole, was sent to the place, and when it arrived there the man was found to be unconscious. He was removed to the hospital, where he died shortly after 7 o'clock. Two empty boxes, marked "Rough on Rats" and "Ready Rat Killer." and a letter written in German, plainly told that it was a case of premeditated suicide. The letter read as follows: "When you get these lines I will be dead. What have I ever done to you that you should hunt me to death? I never thought n my whole life to ever commit such a filthiness. Being accused of such a crime, I cannot live any longer. I go unto death knowing that I am innocent. Such a con-

science is sufficient to me, but you people

who for money sell body and soul are not

satisfied with it. It is the second time I am here in Indianapolis since I have been wandering around." The letter was written on brown paper, with a lead pencil, and in a very poor hand. It was signed, "B. Herrig," and was addressed to "H. A. Mayer, No. 2535 Cottage Grove avenue, Chicago, Ill." The man was about fifty years old, though his stubby black beard and hair were not even tinged with gray. He was five feet eleven inches in height. A close search of his clothing revealed a five-cent piece and a small package of tobacco. As the man was dressed in a suit of overalls and a pair of heavy new shoes Coroner Beck thinks he was a laborer, and possibly a painter or a plasterer, as the condition of the overalls would indicate. Nothing could be found to give a clew to where he was staying in this city. He was, perhaps, going home from work when he took the

The contents of the letter puzzles the coroner. Though it seems as if there has been some trouble between the man designated as Mayer and Herrig, the Coroner hardly thinks it was in the line of police He sent a telegram to Mayer at the address given, and expects an answer this morning. Herrig's body was taken to Flanner & Buchanan's morgue, where it is awaiting identification.

FALLACIES CONCERNING INSANITY. Dr. F. B. Wynn's Lecture Before the Science Club.

At the meeting of the Science Club, at the Denison House, last evening, Dr. F. B. Wynn read an interesting paper on "Popular Fallacies Concerning Insanity." The paper was written in a popular vein, devoid of technicalities, and was enjoyed. Dr. Wynn spoke from an experience of about six years in the hospitals at Logansport, Ind., and Dayton, O. He treated humorously the exaggerated ideas of insanity entertained by most inexperienced persons, and recited instances of sheriffs bringing weak and emaciated persons to hospitals in heavy manacles. The general idea that the insane person is possessed of herculean strength, with wild glaring eyes, was shown to be in most cases false. The appearance of the lunatic generally does not differ materially from those not considered insane. under acute maniacal excitement of endurance does seem greater than normal. The degree of waste, however, is just as great. That the patients often die of physical exertion indicates that the power of endurance is more apparent than real. The proportion of violent and demonstrative patients found in asylums day after day will not exceed one to one hundred

Insanity does not cause as much suffering on the part of the individual as is commonly supposed, as an acute attack is generally supervened by what might be termed an exaggerated phlegmatic state. After concluding the paper the speaker showed the members of the club many letters written by persons under treatment for insanity, which illustrated the many varying conditions which had been formally dis-

Death of Mrs. Mary C. Roberts. Mrs. Mary Claypool Roberts, wife of Mr. James E. Roberts, died suddenly Tuesday afternoon at their residence, No. 570 North Meridian street. Mrs. Roberts was the only daughter of the late Hon. B. F. Claypool, of Connersville. She had lived in Connersville until two years ago, when she and her husband came to this city and bought the residence at the corner of Meridian and Second streets. Having traveled much in Europe, Mrs. Roberts had collected many beautiful things, and her home was all that money and good taste could procure Mrs. Roberts soon became a favorite in social circles, and was an earnest worker in charitable societies. Her unexpected demise was a shock to a large circle of friends and acquaintances. Her brother is Mr. Jefferson Claypool, who lives on North Delaware street. The funeral will take place to-morrow afternoon, at 2 o'clock, at the residence. Her death occurred in par-

Mrs. Roberts was born in Connersville. July 12, 1854. She was educated at the Female College at Glendale, O., and LaSalle Seminary, Auburndale, Mass. She became the wife of James E. Roberts Nov. 23, 1881. At that time both were residents of Connersville, Mr. Roberts being the junior member of the manufacturing firm of Munk & Roberts. They removed to Indianapolis March 1, 1893, their intention being to make this city their permanent home. Her father was one of the wealthiest and most distinguished lawyers in eastern Indiana.

Fined for Drawing a Weapon. Several days ago Merchant policeman James Hughes, of West Indianapolis, arrested James Mahoney, a colored barber, and as he was taking him to jail John Reed, also colored, attempted to interfere with the officer. Hughes drew his revolver and warned Reed to keep away. Yester-day, in Justice Daniels's court, Hughes answered to Reed's charge of drawing a deadly weapon and was fined \$25 and costs. He was released on bond.

New Letter Boxes.

Two hundred and twenty-five new letter boxes have been received by Postmaster Sahm. The new boxes will be placed in position as fast as the old ones are re-

Dr. Price's Cream Baking Powder World's Fair Highest Medal and Diploma.

SCANDAL TO BE AIRED

COUNTY COMMISSIONERS' BRIDGE JOBBERY IN THE COURTS.

Grand Jury, Under a Democratic Prosecutor, Will Not Reach Them, but a Suit Will.

There is now a probability that the transactions of the County Commissioners in letting the contract for the First-street bridge over White river may receive an airing in court, although Prosecutor Holtzman shows no disposition to have the grand jury investigate.

The act of the commissioners in this con-

tract is very fresh in the memory of the taxpayers. It has not been so long since the letting of the contract that the taxpayers have forgotten that the Journal printed the name of the company that would receive the contract several days before it was awarded. A citizen writing to the Journal at the time offered to wager \$100 that the Wrought Iron Bridge Company would receive the contract, and, sure enough, after a few days of pretended investigation, the commissioners awarded the contract to this company. Despite the expose of their evident intention to fix up a job, the commissioners went ahead and awarded the work to the firm that has a cinch on all bridge work over White river and has had ever since the term of office of Mr. Hunter began. It is remembered that a home firm-the Brown-Ketcham works-bid \$3,000 lower on the work than the Wrought Iron company. The question considered by the commissioners, however, was not how much was the bid, but who was the bidder? With this consideration, there was but one firm that stood the least possible chance of getting the work. A suit will be filed within a few days to question the right of the commissioners to thus willfully and flagrantly violate the law requiring contracts to be let to the lowest and best bidder. The suit will seek to enjoin the commissioners from carrying out the contract entered into in direct violation of the law. There are a large number of taxpayers who have become highly incensed at the action of the county board of autocrats and are seeking to devise some way in which to compel the board to perform its duty according to the law. There has been sufficient room for the grand jury to investigate the commissioners, but as the inquisitorial body is in the hands of the chairman of the Democratic county committee, it is hardly probable the shadow of the penitentiary will reach over the Commis sioners' Court.

GAMBLING NO DEFENSE.

Horace Kinney Secures a Judgment

on a Grain Deal. A jury in Judge Harper's court yesterday returned a verdict for the plaintiff in a grain deal. The plaintiff was Horace E. Kinney and the defendant Eugene A. Cooper. Kinney sued for \$543, which he alleged was due him as margins in a grain deal on the Chicago exchange made through Cooper, who is a broker in this city. The defense was that the deal was a gambling speculation. The jury gave a verdict for the full amount claimed by the

Tried to Flirt with the Court. Mollie Gordon, alias Sidney Burns, a handsome woman with a quick wit and absolute abandon, was sent to the workhouse for thirty days yesterday by Judge Stubbs on a charge of depravity. J. P. Gange, her companion in the debauch of the day before, was sent out to the workhouse for the same time. The woman tried her coquetry on the court, but she met a rebuff. Besides the workhouse sentence, she was fined \$25 and costs. She is said to have come here from Chicago. With her companion she had been "doing" the city the day before, and when Gange tried to part from her on Monument

a large crowd. Mrs. Eyster's Child.

place she refused to be separated from

him and made a demonstration which drew

Anna M. Eyster qualified yesterday as the guardian of Charles E. Eyster, jr., and gave bond in the sum of \$100. Anna M. Eyster is the widow of Charles E. Eyster, the North Mississippi-street druggist who was murdered in April, of 1893, by Ed McAfee and John Parker. The child for whom Mrs. Eyster has been appointed guardian is a posthumous child. It will be remembered that during the trial of Parker and McAfee Mrs. Eyster, with tears in her eyes, speaking of the death of her husband, said he exclaimed when she first reached him: "Oh, my God, how can I die without seeing my child." The child was just one year old on Oct. 13.

Dyer & Rassmann's Commission Suit. The case of Dyer & Rassmann against Franklin Nelson was argued before the Appellate Court yesterday. The suit involves \$2,500 commission money which Dyer & Rassmann aver is due them frow Wilson. The real estate men arranged to sell business block for Wilson and found a prospective purchaser. It is asserted that after the papers were drawn up the owner of the block withdrew from the trade and sold the property to another buyer. Dyer & Rassmann brought suit to recover the amount of commission they would have re-ceived had the first sale been made.

Gallup Estate Tax Case.

In the County Commissioners' Court yesterday a continuance was taken in the matter of collecting the delinquent taxes due from the estate of William P. Gallup. The attorneys for the estate asked for the continuance because of the fact that the executor of the will is in Vermont and they were unable to reach him by wire. The case will be called up to-day.

Gave Him a Light Sentence.

Clem Lenore, the colored man convicted of criminal assault on five-year-old Hazel Applegate, was brought before Acting Judge Kealing yesterday afternoon and sentenced to seven years in the penitentiary north. A motion for a new trial was Failey Promises a Full Report.

Receiver Failey, of the Iron Hall, has n preparation a report of all of his transactions since the time of his appointment. The report will be filed with the court in a few days and will show in detail all of the work of the receiver.

A "Ghoul" in a Jail. Jeff Garrigus, the former "ghoul," and Fred Schoolcraft were yesterday bound over to the grand jury by Judge Stubbs on a charge of petit larceny.

> THE COURT RECORD. Supreme Court.

16852. Trustees of the Presbyterian Board. etc., vs. Gilliford et al. White C. C. Reversed. Howard, J.-A contract reading that the signers guarantee payment for all sales made by a specified party to another party, the liability on the guarantee not to exceed in any event \$3,000, is a continuing one, the liability of the guarantors being limited to \$3,000.

16983. Powles vs. Trobb et al. Dearborn C. C. Affirmed. Dailey, J.—It is immaterial that a wife executed a note as principal if in fact she was surety, save as it may affect the burden of proof and require the wife to show that in the execution of the note she was surety. Since she can make no contract charging her separate estate for a debt, the consideration for which moves solely to another, consequently she cannot do so through the agent.
16578. N. Y., C. & St. L. Railway Company vs. Boltz. Kosciusko C. C. Rehearing denied. Hackney, C. J .- A fact found by the special answers being indispensable to

the support of the general verdict, but not being supported by the evidence, establishes the weakness of the general verdict and requires its overthrow. 16853. Scanlin vs. Stewart et al. Shelby C. Renearing denied. McCabe, J. correct declaration of the law arising upon the facts found would correct and cure any error in overruling a demurrer to a crosscomplaint for the want of sufficient facts. It is too late to present a question for

the first time in this court on a petition for a rehearing. 17226. Board etc., vs. Dinwiddie et al. Rush C. C. Rehearing denied. 16475. American Furniture Company vs. town of Batesville. Ripley C. C. Reversed. Hackney, C. J.—The power extended to towns under the statute to abute nulsances does not permit proceedings in personam and in the nature of civil actions which affect particular persons but, like other corporate powers, must be excercised by and through ordinances general in their character and affecting alike all the property

BUFFALO

A Powerful and Only Known Solvent of Stone in the Bladder-its value in Bright's Disease of the Kidneys, Gout, &c.

Case of Mr. R. L. ROYS, of Meriden, Conn. The following plate is from a photograph, which accompanies a report made by Dr. C. H. Davis, of Meriden, Conn., of the case of Mr. R. L. Roys—Stone in the Bladder—to the New England Medical Monthly for July, 1890 (see page 406 of that journal), and represents some of the largest specimens of Dissolved Stone discharged by Mr. R. under the action of



showed that they are Uric Acid, with a trace of the Oxalate of Lime." Case of Mr. S.

The following plate is from a photograph, which forms a part of a communication of Dr. George H. Pierce, of Danbury, Conn., reporting case of Mr. S-Stone in the Bladder—to the New England Medical Monthly for Nov., 1890 (see page 76 of that journal), and represents some of the largest specimens of

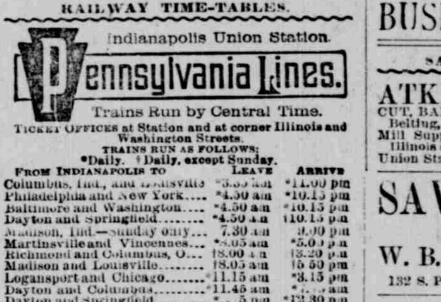


discharged by a patient BUFFALO LITHIA WATER Smaller Particles, and a Quantity of Brickdust Deposit, not estimated.

That this Water possesses extraordinary remedial potency in Bright's Disease of the Kidneys, Gout, Rheumatic Gout, Rheumatism, Nervous Exhaustion or Depression, Female Complaints, and some forms of Dyspepsia as well, is so attested as to admit of no question.

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or all the business of all the citizens under occupying like situation and conducted in like manner. Appellate Court.

1310. Foerster vs. Foerster. Allen S. C. Affirmed. Lotz, C. J.-The pleader may declare on an express nonspecial contract and recover upon proof of an implied promise. But he cannot declare on a special contract and recover upon proof of an implied promise, nor vice versa, 1324. Roberts et al. vs. Kendall. Hamilton C. C. Reversed. Ross, J.-Whether the facts proved or assumed do or do not constitute probable cause is a question of law which it is the duty of the court to decide. An instruction that if the defendants did not honestly believe or had no reason to believe the statements contained in the affidavit then there was not probable cause for prosecution is erroneous.

1317. C. & E. Railroad Company vs.
Barnes. Porter C. C. Affirmed. Gavin, J.

-Although evidence of repairs of defects

made after the occurrence of an accident are not admissible to prove negligence, yet it may be admissible in rebuttal of statements of witness. 2. The value of a particular crop damaged by a railroad com-pany is not the cost of production, but its present condition and prospects. Superior Court.

Room 2-J. W. Harper, Judge. Horace A. Kinney vs. Eugene A. Cooper: suit on contract. Tried by jury. Jury returns verdict for plaintiff for \$543.75. Julia Todd vs. Cifizens' Street-railroad Company; damages. On trial by jury. Room 3-Pliny W. Bartholomew, Judge. Mary C. Hunt vs. Hunt Soap and Chemical Company; account. On trial by jury. Eliza J. Knight vs. National Capsule Com-pany; account. Dismissed at defendant's

Criminal Court. John W. Kealing, Judge Pro Tem. State vs. Oscar McNealy; petit larceny. Trial by court, Guilty, Imprisonment in the workhouse for nine months and fined State vs. William Jones; burglary and

grand larceny. Pleaded guilty. Imprison-ment in the State prison for two years. State vs. Richard Warner; grand larceny, Trial by court. Guilty. Imprisonment in the State prison eighteen months and fined Circuit Court. Edgar A. Brown, Judge.

Alva W. Roberts vs. Elizabeth E. Ellis's Estate; claim. Trial by jury. Finding for defendant Carry Brown vs. Chas. Fiske; damages. Dismissed by plaintiff at her costs. New Suits Filed. Gullford A. Deitch, Executor, vs. John

W. Fike et al.; note and mortgage. Superior Court. Room 1. Guilford A. Deitch, Executor, vs. F. M. Dunn et al.; note. Superior Court, Room 2. William Pehling et al. vs. R. Brown; to foreclose lien. Superior Court, Room 3. Annie Fish vs. Wilhelm Gehring et al.; for money had and received. Superior Court. Room ! Francis M. Tomlinson vs. John Bridges et al.; foreclosure of mortgage. Superior Court, Room 2.

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